IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CRIMINAL APPLICATION NO.299 OF 2007
IN
BAIL APPLICATION NO.1045 OF 2007

Hussain Mohammad Shattaf ..Applicant
Vs.
The State of Maharashtra ..Respondent

..
Mr.A.M.Chimalkar and A.G.Salekar
Advocate for Applicant
Mr.V.B.Konde-Deshmukh, A.P.P. for State
..

CORAM:SMT.V.K.TAHILRAMANI,J.
DATE :JUNE 12, 2007

P.C.

1. Heard.

2. By order dated 16.4.2007, the applicant was granted bail in C.R.No. 46 of 2006 of Lonavala Police Station.

3. The passport of the applicant came to be seized by the Investigating Agency. The applicant is now seeking return of his passport in order to enable him to go abroad as he has received notice from his legal consultants to attend case No.13 of 2007 at Sharjah Court. Pursuant to the said notice, the applicant is required to go to Dubai for a period of about 20 days. Hence, the applicant has sought for return of his passport.

4. The learned A.P.P. states that the investigation in the said case is still going on and hence, it is apprehended that if the applicant is allowed to go abroad, he may not return back to India. On the other hand, Ms.A.G.Salekar, the learned advocate for the applicant states that in view of the fact that the prosecution apprehends that the applicant may not return back, the applicant is willing to deposit the passports of his wife and minor child with the Investigating Agency till such time that the applicant returns back to India, in addition thereto the wife of the applicant undertakes that she shall report to Investigating Agency i.e. L.C.B. Pune on every Monday and Thursday till the applicant comes back to India. Undertaking accepted.

5. In view of the above statement made by the learned advocate for the applicant and the undertaking of the wife of the applicant, I am inclined to return the passport to the applicant for a temporary period. Hence, I pass the following order:

(i) The applicant is granted permission to go abroad subject to compliance with following conditions:-

(a) The applicant shall deposit a sum of Rs.1,00,000/- with the I.O. or any officer deputed by him. On deposit of the sum of Rs.1,00,000/- by the applicant, the I.O. shall hand over the passport to him;

(b) At the time of receiving the passport, the applicant shall deposit the passports of his wife Waheetha Shattaf and daughter Zoya Shattaf, with the I.O. till the applicant returns back to India and returns his passport to the Investigating Agency;

(c) Further at the time of receiving the passport, the applicant shall give the detailed itinerary relating to his travel abroad to the concerned Investigating Officer i.e. flight details as well as the address at which he will be staying when abroad and contact numbers on which he can be contacted while he is abroad.

(d) The applicant shall report to the Investigating Agency within a period of seven days from his return to India and

shall handover his passport to I.O. or any officer deputed by him. After the applicant surrenders his passport, the cash deposit of Rs.1,00,000/- and the passports of wife and daughter of the applicant shall be returned to the applicant.

(e) The applicant shall follow the aforesaid procedure for return of passport for temporary period whenever the applicant requires passport in future, till the conclusion of the trial.

(f) As per the undertaking given by the applicant, the wife of the applicant i.e. Waheetha Shattaf shall attend the office of the Investigating Agency i.e. LCB Pune on every Monday and Thursday till the applicant comes back to India and surrenders his passport;

(ii) Parties and the concerned authorities to act upon an authenticated copy of this order.

(iii) Application is disposed of.

[Smt. V.K.Tahilramani, J.]